

REMARKS

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated March 25 7, 2005 has been received and considered by the Applicants. Claims 1-7 are pending in the present application for invention. Claims 1-7 are rejected by the March 25, 2005 Office Action.

The Office Action rejects Claims 1-7 under the provisions of 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,738,813 issued to Reichman (hereinafter referred to as Reichman) in view of U.S. Patent No. 5,227,863 issued to Bilbrey et al. (hereinafter referred to as Bilbrey et al.).

Regarding Claim 1, the Examiner asserts that agent 34 within Fig. 1 of Reichman discloses an internet receiving arrangement as defined by rejected Claim 1 for receiving information data at (col. 1, lines 55-67) stored in information servers (col. 3, lines 55-67) connected to the internet. The Examiner further states that Reichman discloses an arrangement having address retrieval means (client receiving information from server as described at col. 4, lines 20-40) which, when activation information is present (resource availability described at col. 5, lines 35-45), are adapted to retrieve collective address information from an address server connected to the internet (the sessions described at col. 5, lines 35-67).

The Applicant, respectfully points out that the Examiner is reading the terminology defined with rejected Claim 1 in a manner that is too broad to be considered reasonable. For example, the Examiner contends that the client receiving information from server as described at col. 4, lines 20-40 of Reichman reads on the address retrieval means defined by rejected Claim 1. The Applicant, respectfully, points out that Reichman at col. 4, lines 20-40 describes the agent 32 having functionality for recordings transactions. The transactions are listed to include logging in, performing a search, making a reservation, or checking the price of an item and are recorded in the form of transaction files. It should be noted that the agent 32 monitors the sever only during idle

periods for computer 34. It should be further noted that Reichman in the description at col. 4, lines 20-40 makes no mention of anything that could be construed as address retrieval means as defined by rejected Claim 1.

The Examiner further asserts that the sessions described at col. 5, lines 35-67 of Reichman for the receiving of information disclose or suggest the retrieval of collective address information from an address server connected to the internet, and the Examiner further contends that the resource availability described at col. 5, lines 35-45 of Reichman discloses or suggests the retrieval of collective address information from an address server when activation information is present. The Applicant, respectfully, disagrees that resource availability disclose or suggest the presence of activation information as defined by rejected Claim 1. Moreover, the receiving of information as described on column 5 of Reichman is not conditioned upon resource availability. Reichman teaches to balances loads based upon loads.

The Examiner further contends that Reichman teaches the collective address information identifying those information servers from which information data processable by the internet receiving arrangement can be retrieved, and having information retrieval means for retrieving the processable information data from an information server identified by the retrieved collective address information on column 5. The Applicant, respectfully, points out that rejected Claim 1 defines subject matter for retrieving collective address information form an address server. It appears that the Examiner is reading controller 40 within Reichman upon both the address server and the information server defined rejected Claim 1. The Applicant, respectfully, points out that rejected Claim 1 defines subject matter for retrieving collective address information from an address server connected to the internet, and the collective address information identifying those information servers from which information data processable by the internet receiving arrangement can be retrieved. The Examiner's position is that controller 40 and reports server within Reichman read upon the recitation of the address server and the information server defined by rejected Claim 1, the Applicant disagrees. The reports server 50 and the controller 40 within the SERVICE PROVIDER WEB SITE illustrated in Fig. 1 of Reichman schedule based on monitoring performancc and do not retrieve not information data. Reject Claim 1 defines subject matter retrieving

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information data no monitoring performance data. Therefore, there are elements defined by the rejected claims that are not found by the rejection made in the Office Action.

The Examiner further contends that Reichman teaches quality test means for testing the information data retrieved and received by the information retrieval means and for supplying the activation information to the address retrieval means when the quality of the received information data is below a quality threshold value or when no information data processable by the internet receiving arrangement are received from the information server in column 7, lines 35-67. The Examiner asserts that the load test taught by Reichman discloses or is suggestive of the quality test means defined by rejected Claim 1. The Applicant, respectfully, points out that the load test taught by Reichman monitors the load applied to a transactional server by monitoring the performance data streams. Rejected Claim 1 does not define subject matter for monitoring the performance of the data; rejected Claim 1 defines subject matter for testing the information data. The Applicant asserts that the term "testing of data" can not be read so broadly to encompass "monitoring the performance of data".

In view of the foregoing arguments, the Applicant disagrees with the assertions contained in the Office Action. However, in an effort to move this case towards allowance, Claim 1 has been amended to clearly distinguish the subject matter defined therein from the cited references. Claim 1 after amendment defines subject matter for the address server to be operatively connected to the address retrieval means through the internet. The rejection within the Office Action cites elements with Reichman (controller 40 and reports server 50) against the foregoing elements that are on the same side of the internet. Therefore, Claim 1 is believed to be clearly allowable over the cited references.

Claims 2-3 depend from and further narrow and define Claim 1, therefore, Claim 2-3 are also believe to be allowable.

Regard Claim 4, the examiner is now using as address server item 30 from Reichman. The Applicant, respectfully, points out that the rejection to Claim 1 employed item 40 from Reichman as the address server. The Applicant asserts that by no stretch of the imagination can the term address server be read on the transaction server 30 of Reichman. Therefore, this rejection is respectfully traversed.

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Regarding Claim 5, the Examiner alleges that it would be obvious to make the combination of Reichman within Bilbrey et al. because Bilbrey et al. disclose noise generation at col. 15, lines 55-67. The Applicant respectfully points out that Bilbrey et al. teach to provide noise generation to produce linear and Gaussian white noise and to create a display effect which is similar to that created by a television set which is not tuned to a station. Bilbrey et al. that noise generation is particularly useful for filtering and can be used to control other effects. Bilbrey et al. teach a programmable apparatus for processing of video signals from multiple sources to provide special video effects. A person skilled in the art would not look to a reference such as Bilbrey et al. to create an internet receiving arrangement as defined by the rejected claims, in which noise generator means are adapted to supply noise information to information data processing means of the internet receiving arrangement during the time that the activation information is present. The rejection entirely fails to address the features of supplying noise information to "during the time that the activation information is present." Therefore, this rejection is traversed.

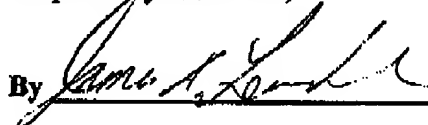
Rejected Claim 7 defines subject matter for the internet receiving arrangement is formed by an internet television set adapted to receive and process audio/video data (AVD) in the form of information data. The Examiner alleges that Reichman teaches that the information data is audio visual data at col. 5, lines 20-40. The Applicant does not believe that the manner by which this rejection is made is proper. Reichman on col. 5, lines 33-37 states that keeping track of computers for sharing music files. Apparently the Examiner is attempting to read this disclosure as the music data being the information data. The information data was states in the rejection to Claim 1 as being the data discussed on column 1, lines 55-67; which is performance data. Claim 7 depends from Claim 1. If the information data used in the rejection to Claim 1 is the performance data taught by Reichman, then the rejection to Claim 7 must be consistent. There is no audio or visual data taught or suggested by Reichman, only performance data. The tracking of active computers discussed on column 5 of Reichman that can share music files does not in any way, manner or form disclose or suggest that the performance data being discussed in Reichman is audio/visual data. Therefore, this rejection is traversed.

The foregoing amendment add new claims 8-20 that are of similar scope to claims 1-7 and further define subject matter for audio data and internet radio stations that are discussed throughout the specification to the present invention. Therefore, examination of new Claim 8-20 should not result in the introduction of new matter into the present application for invention.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

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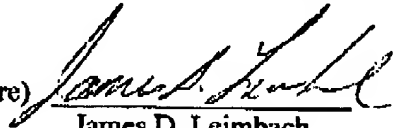
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